



PUBLIC NOTICE

Federal Communications Commission
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DA 14-172
Released: February 10, 2014

CENTURYLINK, INC. PETITION FOR CONVERSION OF AVERAGE SCHEDULE AFFILIATES TO PRICE CAP REGULATION AND FOR LIMITED WAIVER RELIEF

PLEADING CYCLE ESTABLISHED

WC Docket No. 14-23

Comment Date: March 3, 2014
Reply Comment Date: March 18, 2014

On January 31, 2014, CenturyLink, Inc. (CenturyLink) filed a petition requesting authority to convert its remaining average schedule incumbent local exchange carrier affiliates from average schedule to price cap regulation effective July 1, 2014, and limited waivers of the applicable Part 61 and 69 regulations (including but not limited to sections 61.41(a)(3) and 61.39) to the extent necessary to enable such conversion.¹ Specifically, CenturyLink proposes that, effective no later than July 1, 2014, CenturyTel of Chester, Inc., CenturyTel of Postville, Inc., and CenturyTel of the Midwest-Wisconsin Region (collectively referred to as “CenturyLink Average Schedule Affiliates”) should be subject to the price cap regulatory structure established in the *CALLS Order*² and the *USF/ICC Transformation Order*.³ According to CenturyLink’s petition, approval of the waiver is in the public interest,⁴ would provide CenturyLink administrative efficiencies by allowing it to be regulated entirely as a price cap company,⁵

¹ See Petition of CenturyLink, Inc. for Conversion of Average Schedule Affiliates to Price Cap Regulation and for Limited Waiver Relief, WC Docket No. 14-23, at 1 (filed Jan. 31, 2014) (Petition).

² *Access Charge Reform; Price Cap Performance Review for Local Exchange Carriers*, Sixth Report and Order, 15 FCC Rcd 12962 (2000) (*CALLS Order*), *aff’d in part, rev’d in part and remanded in part*, *Texas Office of Public Util. Counsel v. FCC*, 265 F.3d 313 (5th Cir. 2001), *on remand*, 18 FCC Rcd 14976 (2003).

³ *Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing an Unified Intercarrier Compensation Regime; Federal-State Joint Board on Universal Service; Lifeline and Link-Up; Universal Service Reform-Mobility Fund*, WC Docket Nos. 10-90, 07-135, 05-337, 03-109, CC Docket Nos. 01-92, 96-45, GN Docket No. 09-51, WT Docket No. 10-208, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161, 26 FCC Rcd 17663 (2011) (*USF/ICC Transformation Order*) (subsequent history omitted).

⁴ See Petition at 1.

⁵ *Id.* at 3.

and would not have any impact on the CenturyLink Average Schedule Affiliates' Universal Service Funding.⁶

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. The filing hours at both locations are 8:00 a.m. to 7:00 p.m.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

The proceeding this Notice initiates shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁷ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the

⁶ *Id.* at 14.

⁷ 47 C.F.R. §§ 1.1200 *et seq.*

presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

For further information regarding this proceeding, contact Don Sussman, Pricing Policy Division, Wireline Competition Bureau, 202-418-0629, or via e-mail at don.sussman@fcc.gov.

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